

E-FILED on 9/26/07

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MARIA HERNANDEZ, for Karina Perez-
Hernandez,

Plaintiff,

v.

JO ANNE B. BARNHART, Commissioner of
Social Security,

Defendant.

No. C-04-02216 RMW

ORDER DISMISSING CASE

On August 29, 2007 this court issued an order to show cause why either: (1) plaintiff's case should not be dismissed for failure to diligently prosecute or (2) a default should not be entered against defendant. Defendant filed a declaration stating that it has never been served with a complaint or summons. Winslow Decl. ¶¶ 7, 8. Plaintiff has not filed anything in this action since June 4, 2004, and failed to respond to the order to show cause. Therefore,

IT IS HEREBY ORDERED that this case is dismissed without prejudice for failure to diligently prosecute.

DATED: 9/26/07



RONALD M. WHYTE
United States District Judge

1 **Notice of this document has been electronically sent to:**

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10 **Dated:** 9/26/07

11 TSF
12 **Chambers of Judge Whyte**